



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

MUTTAQIN F. ABDULLAH,

Plaintiff,

vs.

SUMTER COUNTY DETENTION CENTER,
et al,

Defendants.

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CIVIL ACTION NO. 6:04-23005-HFF-WMC

ORDER

This is a civil rights action filed under 28 U.S.C. § 1983. Plaintiff is proceeding *pro se*. The matter is before the Court for review of the report and recommendation (Report) of the United States Magistrate Judge in which he recommends that the Court grant Defendants' motion for summary judgment. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his Report on November 16, 2005, and Plaintiff failed timely to file any objections to the Report. Nonetheless, the Court, by Order of February 23, 2006, allowed Plaintiff the opportunity to file objections out of time, and Plaintiff's objections were filed on March 13, 2006.

Plaintiff's objections attack the Magistrate Judge's recommendation that Defendants' motion for summary judgment be granted, but they utterly fail to offer any convincing arguments against the Magistrate's conclusions. Instead, Plaintiff simply reiterates the allegations made in his complaint and his response in opposition to Defendants' motion for summary judgment. Therefore, the Court, mindful of its duty in cases brought by *pro se* plaintiffs, has made an independent review of the record and the legal standards applicable to this case. Based on this review, the Court concludes that Plaintiff has failed to identify any violation of his federal constitutional or statutory rights.

Accordingly, the Court overrules Plaintiff's objections and adopts the Report and incorporates it herein. Therefore, the Court finds that Defendant's motion for summary judgment should be, and hereby is, **GRANTED**.

IT IS SO ORDERED.

Signed this 14th day of March, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL Plaintiff is hereby notified that he has the right to appeal this Order within **thirty(30)** days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.